



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/075,994

Applicant: Kasid et al.

Filed: February 15, 2002

TC/AU: 1635

Examiner: Jane Zara

Docket No.: 219604

Customer No.: 23460

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Communication

Sir:

The Notice of Allowability, mailed on February 2, 2006, states that a substitute oath or declaration must be submitted in connection with this application. The Examiner's Amendment accompanying the Notice indicates that the reason for a substitute oath or declaration is required is because, "A newly executed oath or declaration is required in a continuation-in-part application filed under 37 C.F.R. § 1.53(b)."

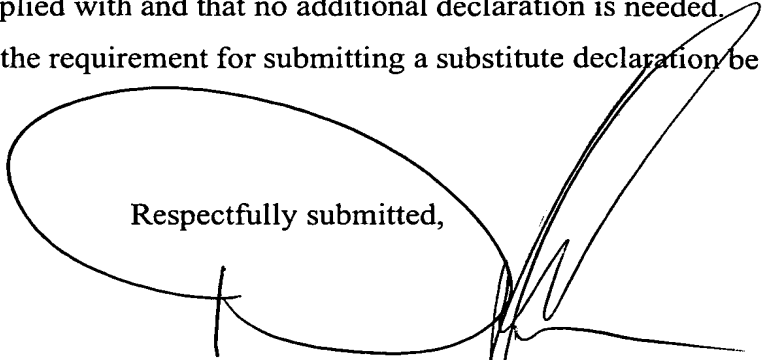
While 37 C.F.R. § 1.63(e) does set forth a requirement that a newly executed oath or declaration is required for CIP applications, applicants note that such was submitted in connection with the present application. Attached hereto is a copy of the Filing Completion Under Rule 53(f) and the accompanying Declaration and Power of Attorney signed by all of the named inventors, which was filed by the prior agent of record. The copies bear the stamp of the Office of Initial Patent Examination (OIPE) noting receipt on July 18, 2002.

The Examiner's Amendment does not identify any deficiency in the Declaration filed on July 18, 2002. The only reason for the requirement to file a substitute Declaration is that a

Application No. 10/075,994

newly executed oath or declaration is required in CIP applications. It is respectfully urged that this requirement has been complied with and that no additional declaration is needed. Applicants, thus, respectfully urge the requirement for submitting a substitute declaration be withdrawn.

Respectfully submitted,



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Date: May 1, 2006

FILING COMPLETION UNDER RULE 53(f)

(NOT PCT Applications)

For Design, Provisional, or Utility Applications

PATENT
APPLICATIONCOMPLETION Under
Rule 53(f)

Attn: Application Division

In re PATENT APPLICATION of

Inventor(s): Kasid et al.

Appl. No.:

10

075,994

Atty.Dkt. P

0280682

KAUS430501

Series Code

Serial No.

M#

Client Ref

Filed: February 15, 2002

Title: Chemosensitizing with Liposomes Containing Oligonucleotides

/00/E002 MDANTE1 00000021 033575 10075594

FC:605 65.00 CH
FC:615 55.00 CHHon. Commissioner of Patents
Washington, DC 20231

Date: July 18, 2002

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Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

1. **Notice to File Missing Parts** ☐ copy attached ☒ not yet received
2. ☒ Signed Declaration attached. ☒ Original ☒ Facsimile/Copy

(Always "X" box 2 if filing signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or"X" box 2B only if none of the top three boxes of the Declaration is X'd.)2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.2B. ☒ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.

- 3.
- ☐
- Specification originally filed in non-English language; hence verified translation attached of:

a. ☐ Abstractb. # pages of Specification (only spec. & claims)c. ☐ Drawing(s)

No of Sheets

☐ Fig(s).

- 4.
- ☐
- Letter filing
- formal
- drawing attached.

- 5.
- ☐
- Attached is an assignment and cover sheet.
- Please return the recorded assignment
- to the undersigned.

- 6.
- DOMESTIC/INTERNATIONAL
- priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1) 09/538,241	3/30/00	(2) 09/354,109	7/15/99
(3) 08/957,327	10/24/97	(4) 60/041,192	3/21/97
(5)		(6)	


- 7.
- FOREIGN
- priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in _____

8.

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

COPY



9.  (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date) _____
in U.S. Application No. _____ filed on _____
10. Small Entity Status ➡ ☐ is Not claimed ☒ is claimed (file PAT-256 if this is the first claim of Small Entity Status)
11. ☐ Attached:
12. ☐ Preliminary Amendment:

THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED

				Large/Small Entity		Fee Code
13. Basic Filing Fee				Design Application Not Design Application	\$330/\$165 \$740/\$370	106/26 101/201
14. Total Effective Claims				minus 20 =	x \$18/\$9	+0 103/203
15. Independent Claims				minus 3 =	x \$84/\$42	+0 102/202
16. If <u>any proper</u> multiple dependent claim (ignore improper) is present, (Leave this line <u>blank</u> if this is a reissue application)					\$280/\$140	+0 104/204
17. Surcharge for filing Declaration/filing fee late					\$130/\$65	+65 105/205
18.				FILING FEE = \$65		
19. Original due date: June 18, 2002						
20. Petition is hereby made to extend the <u>original</u> due date to				(1 mo)	\$110/\$55 =	+55 115/215
cover the date this response is filed for which the requisite fee				(2mos)	\$400/\$200 =	116/216
is attached				(3mos)	\$920/\$460 =	117/217
				(4mos)	\$1,440/\$720 =	118/218
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee					\$130	+0 139
22. If "assignment" box 5 is X'd, add recording fee.					\$40	+0 581
23. Petition Fee for					\$130	+0
24.				TOTAL FEE = \$120		
Our Deposit Account No. 03-3975				PLEASE CHARGE OUR DEP. ACCT.		

Our Deposit Account No. 03-3975

Our Order No.	082137	0280682
	C#	M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP
Intellectual Property Group

P.O. Box 10500
McLean, VA 22102
Tel: (703) 905-2000

By Atty: Robin L. Teskin Reg. No. 35,030

Sig: Fax: (703) 905-2500
Tel: (703) 905-2200

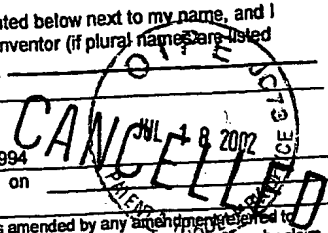
Atty/Sec: RLT/LAK

NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments

COPY

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As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED
Chemosensitizing with Liposomes Containing Oligonucleotides



the specification of which (CHECK applicable BOX(ES))
X A. ☐ is attached hereto.
BOX(ES) → B. ☒ was filed on February 15, 2002 as U.S. Application No. 10/075,994
→ C. ☐ was filed as PCT International Application No. PCT/ 1 on February 15, 2002

and (if applicable to U.S. or PCT application) was amended on February 15, 2002
I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S) Number	Country	Day/MONTH/Year Filed	Date first Laid- open or Published	Date Patented or Granted	Priority NOT Claimed

If more prior foreign applications, X box at bottom and continue on attached page.
Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S) Application No. (series code/serial no.)	Day/MONTH/Year Filed	Status	Priority NOT Claimed
08/957,327	24 October 1997	pending, abandoned, patented Patented	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, telephone number (703) 905-2000 (to whom all communications are to be directed), and persons of that firm who are associated with USPTO Customer No. 909 (see below label) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete from that Customer No. names of persons no longer with their firm, to add new persons of their firm to that Customer No., and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above firm and/or an attorney of that firm in writing to the contrary.

00909

USE ONLY FOR
PILLSBURY WINTHROP

00909

Date: 5/24/02

(1) INVENTOR'S SIGNATURE: Usha Kasid

Name	Usha	Kasid	Family Name
First	Middle Initial	Country of Citizenship	
Residence	Rockville	Maryland	USA
City	State/Foreign Country		
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(2) INVENTOR'S SIGNATURE: Prafulla Gokhale

Date: 5/20/02

Name	Prafulla	Gokhale	Family Name
First	Middle Initial	Country of Citizenship	
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Mailing Address	4000 Reservoir Rd., NW, Bldg. D, Suite 177, Washington DC		
(include Zip Code)	20007		

☒ FOR ADDITIONAL INVENTORS see attached page.
☐ See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. P0280682
(M#)

COPY

ADDITIONAL INVENTORS:

(3) INVENTOR'S SIGNATURE:

Date:

5/24/02

Jin		Ple	
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(4) INVENTOR'S SIGNATURE:

Date:

5/20/02

Rajshree		Mewani	
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Family Name			
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City		State/Foreign Country	Country of Citizenship
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(include Zip Code)		20007	

(5) INVENTOR'S SIGNATURE:

Date:

Imran		Ahmad	
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Family Name			
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City		State/Foreign Country	Country of Citizenship
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(include Zip Code)		60085	

(6) INVENTOR'S SIGNATURE:

Date:

5/28/02

Anatoly		Dritschilo	
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Family Name			
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City		State/Foreign Country	Country of Citizenship
Mailing Address		4000 Reservoir Rd., N.W., Bldg. D, Suite 177, Washington, DC	
(include Zip Code)		20007	

(7) INVENTOR'S SIGNATURE:

Date:

5.28.02

Aquilur		Rahman	
First		Middle Initial	
Family Name			
Residence	Potomac	MD	USA
City		State/Foreign Country	Country of Citizenship
Mailing Address		4000 Reservoir Rd., N.W., Bldg. D, Suite 177, Washington, DC	
(include Zip Code)		20007	

(8) INVENTOR'S SIGNATURE:

Date:

First		Middle Initial	
Family Name			
Residence			
City		State/Foreign Country	Country of Citizenship
Mailing Address			
(include Zip Code)			

(9) INVENTOR'S SIGNATURE:

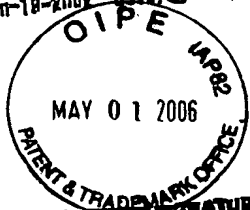
Date:

First		Middle Initial	
Family Name			
Residence			
City		State/Foreign Country	Country of Citizenship
Mailing Address			
(include Zip Code)			

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11-18-2002 09:07am From



DECLARATION AND POWER OF ATTORNEY
(continued)
ADDITIONAL INVENTORS

(8) INVENTOR'S SIGNATURE: *Dr. Pei* Date: *5/20/02*

First Name	Dr.	Last Name	Pei
Residence	China	Country	China
Mailing Address	4000 Research Rd., N.W., Bldg. D, Suite 177, Washington, DC		
Include Zip Code	20007		

(9) INVENTOR'S SIGNATURE: *Kajmewani* Date: *5/20/02*

First Name	Kajmewani	Last Name	
Residence	United States of America	Country	USA
Mailing Address	4000 Research Rd., N.W., Bldg. D, Suite 177, Washington, DC		
Include Zip Code	20007		

(10) INVENTOR'S SIGNATURE: *James Thomas* Date: *June 19, 2002*

First Name	James	Last Name	Thomas
Residence	United States of America	Country	USA
Mailing Address	1000 Lakeside Dr., Washington, DC		
Include Zip Code	20007		

(11) INVENTOR'S SIGNATURE: *Dr. H. H.* Date: *5/2/02*

First Name	Dr. H. H.	Last Name	
Residence	United States of America	Country	USA
Mailing Address	4000 Research Rd., N.W., Bldg. D, Suite 177, Washington, DC		
Include Zip Code	20007		

(12) INVENTOR'S SIGNATURE: *Dr. H. H.* Date: *5-2-02*

First Name	Dr. H. H.	Last Name	
Residence	United States of America	Country	USA
Mailing Address	4000 Research Rd., N.W., Bldg. D, Suite 177, Washington, DC		
Include Zip Code	20007		

(13) INVENTOR'S SIGNATURE:

First Name		Last Name	
Residence		Country	
Mailing Address			
Include Zip Code			

(14) INVENTOR'S SIGNATURE:

First Name		Last Name	
Residence		Country	
Mailing Address			
Include Zip Code			

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